

EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> <input checked="" type="checkbox"/> All Day Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input type="checkbox"/> All Evaluator Manual Holders	<u>Transmittal No.</u> 99APX-14
	<u>Date issued.</u> December, 1999

Subject:

APX - Child Care: 1999 Chaptered Legislation and Implementation

(Appendix Tab A - Child Care Centers and Family Child Care Homes)

Reason For Change:

This transmits summaries of legislation chaptered in 1999 affecting Child Care Centers and Family Child Care Homes. The summaries are divided into two sections as follows:

- I. Immediate Action Required - Interim instructions are provided.
- II. Information only - No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2000, unless otherwise indicated.

Filing Instructions:☐ REMOVE

☒ INSERT - the attached pages into Appendix A. Do not remove similar document from previous years.

Approved:

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December 29, 1999
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SUMMARY AND IMPLEMENTATION PLANS 1999 CHAPTERED LEGISLATION

CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES

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ACTION REQUIRED

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When conducting visits, LPAs should ensure that providers are aware of any new requirements.

ACTION REQUIRED

AB 181 (ZETTEL), CHAPTER 851, STATUTES OF 1999

Affects: "Six to Six" After School Programs in the City of San Diego

Subject: Exemption Requirements for After School Programs

Summary: This statute adds Section 1596.7927 to the Health and Safety Code. This section will allow the "six to six" programs in San Diego to be a license exempt two-year pilot program, if certain conditions are met. Eighty seven sites are currently operating license exempt as California Department of Education (CDE) After School Learning and Safe Neighborhood Partnership programs (Education Code 8482). This bill allows the city of San Diego to operate additional sites, that were not funded by CDE, license exempt. An independent evaluator will be jointly selected by CCLD and the City of San Diego to evaluate the "six to six" pilot project. The results of the independent evaluation will be provided to the legislature.

Implementation:

Identification of the six to six program sites will be coordinated by the San Diego child care district office. Following identification, the programs shall be allowed to operate without a license until the pilot terminates. Verification that the exemption criteria is met and that the programs are operating without jeopardizing the health and safety of children will be conducted by an independent evaluator.

AB 458 (ZETTEL), CHAPTER 823, STATUTES OF 1999

Affects: Child Care Centers and Family Child Care Homes

Subject: Notification Requirements for Child Care Resource-and-Referral Agencies and Alternative Payment Programs

Summary: This statute amends Section 1596.859 of the Health and Safety (H&S) Code to require child care resource-and-referral (R&R) and alternative payment (AP) programs to inform anyone who requests a child care referral of his or her right to:

1. Review licensing reports and substantiated complaints pertaining to a child care facility at the facility site. Existing law (H&S Code Section 1596.859(a)) requires that this information be kept on file at the facility for three years from the date of issuance.

2. Review a more complete public file on the facility at the local child care licensing office.

The new law provides that the failure of an R&R or AP program to comply with these notification requirements would not be a misdemeanor. Instead, the only sanction for an R&R or AP program that did not comply would be that set forth in the "Funding Terms and Conditions" agreement between the R&R or AP program and the California Department of Education.

Implementation:

Although this law does not impose a new requirement on the Department or licensees, child care district offices and licensees may experience an increase in the number of requests to access public information about licensed child care facilities. Child care district offices should continue to follow established practices in responding to these requests.

AB 855 (CARDENAS), CHAPTER 492, STATUTES OF 1999

Affects: Child Care Centers and Family Child Care Homes (that serve more than six children)

Subject: Loan Guarantees and Direct Loans

Summary: This statute amends pertinent sections of the Education Code to make technical changes to existing law governing the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund. Eligible facilities include licensed child care centers and family child care homes that serve more than six children. The California Department of Housing and Community Development (HCD) administers the loan programs.

Eligible facilities must primarily serve children from low-income families and must create or preserve child care spaces. Low-interest loans are available for up to 50 percent financing for the child care facility and related equipment and fixtures. Child care services must be provided during the entire term of the loan.

Implementation:

1. Inform applicants that applications for the loan programs may be picked up at HCD or any California Small Business Financial Development Corporation. The phone number for HCD is (916) 445-6000.
2. In compliance with existing law (Health and Safety Code Section 1597.36), continue to provide documentation to family child care providers who serve more than six children of the need for repairs, renovations or additions (required by the regulations)

when requested to do so for an application for a loan guarantee. Document the information on the LIC 809 and provide a copy to the applicant/licensee.

AB 1659 (Committee on Health and Safety), CHAPTER 881, STATUTES OF 1999

Affects: Child Care Centers and Family Child Care Homes

Subject: Fingerprint Background Checks

Summary: This is a Department sponsored statute which clarifies various fingerprint background check requirements for child care facilities. It amends Health and Safety Code Section 1596.871. AB 1659 is an emergency bill and these child care provisions became effective October 10, 1999:

Implementation:

AB 1659 adds the following persons who are exempt from background check requirements:

A. Volunteers who meet all of the following conditions:

- the volunteer is providing time-limited specialized services.
- the volunteer is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption.
- the volunteer spends no more than 16 hours per week at the facility.
- the volunteer is never left alone with children in care.

B. Students enrolled or participating at an accredited educational institution who meet all of the following conditions:

- the student is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption.
- the facility has, on file, a written agreement with the educational institution concerning the placement of students.
- the student spends no more than 16 hours per week at the facility.
- the student is never left alone with children in care.

C. A volunteer who is a relative, legal guardian, or foster parent of a child in the facility.

D. A contracted repairperson retained by the facility, if never left alone with children in care.

The licensee is permitted, at their own initiative, to require a background check on any individual, even though the statute exempts them.

Refer to the implementation plan for AB 618 on page 6 for information regarding the fee charged by the Department of Justice for processing California and Federal Bureau of Investigation criminal record checks for volunteers in child care centers and family child care homes.

The Child Care Center, and Family Child Care Home regulations are currently being revised to reflect this new law change. In the meantime, use the statutory provisions contained in Health and Safety Code Section 1596.871 as the citing authority.

INFORMATION ONLY – NO ACTION REQUIRED

AB 1052 (JACKSON), CHAPTER 548, STATUTES OF 1999

Affects: Child Care Centers and Family Child Care Homes

Subject: California Child Care Initiative Project: Expansion of the Role of Child Care R&R Programs

Summary: This statute amends Section 8251 of the Education Code to delete the January 1, 2001, sunset date for the California Child Care Initiative Project—allowing it to continue indefinitely. This project expands the role and functions of selected R&R programs in activities including needs assessment, recruitment and screening of providers, technical assistance, and staff development and training. The goal is to help communities increase the quantity and quality of child care. The Superintendent of Public Instruction allocates state funds to R&Rs selected to participate in the project; each dollar of state funds must be matched by two dollars from other sources.

AB 1055 (VILLARAIGOSA), CHAPTER 712, STATUTES OF 1999

Affects: Child Care Centers and Family Child Care Homes

Subject: Playground Safety Regulations

Summary: This statute is intricately tied to the playground safety regulations developed by the State Department of Health Services (DHS), which DHS anticipates will be effective in January 2000. **(The Department is not enforcing the DHS playground safety regulations. In addition, no other entity is enforcing these regulations; compliance will be driven by the desire to protect children and reduce liability.)** AB 1055 does the following:

- Provides that the DHS playground safety regulations will not apply to family child care homes. (Instead, the Department will develop playground safety regulations for family child care homes).
- **Extends the date for compliance with the DHS playground safety regulations from January 1, 2000, to January 1, 2003.** Thus, private operators of child care centers will have until January 1, 2003, to comply with the regulations. But public agencies operating playgrounds open to the public, such as schools, are only required to comply to the extent that state funds are made available for that purpose.
- Requires playgrounds to be inspected by an inspector certified by the National Playground Safety Institute before *October 1, 2000*, (This will allow providers three

years to make any corrections identified in the inspection report). This requirement applies to both public and private agencies operating playgrounds open to the public. The inspection report itself may be used as a reference when upgrades are made, but is not intended for any other use.

- Provides that playgrounds installed between January 1, 1994, and December 31, 1999, will only have to comply with the 1994 Consumer Product Safety Commission (CPSC) guidelines. These playgrounds will not have to comply with the DHS playground safety regulations until 15 years after the date the playground was installed. (The regulations will require playgrounds to meet 1998 CPSC guidelines and 1998 American Society for Testing and Materials (ASTM) standards.)
- Establishes a grant program, to sunset on July 1, 2003, that will be administered by the California Integrated Waste Management Board. Grants would be awarded to local agencies for the purpose of improving or replacing playgrounds open to the public. Grants are not to exceed \$25,000 for any one playground and would require a 50 percent match (25 percent in cases of financial hardship). Fifty percent of the grant money is to be used to upgrade or replace playground equipment or facilities using recycled materials. We believe that child care centers will be eligible to apply for a grant, but specific information about the grant program is not yet available.
- Provides that Proposition 98 funds can only be used for grants to local educational agencies.

SB 618 (CHESBRO), CHAPTER 934, STATUTES OF 1999

Affects: Child Care Centers and Family Child Care Homes

Subject: Fingerprinting Fees

Summary: Amends Health and Safety Code Section 1596.8713 and adds Section 1596.8714. The change prohibits the Department of Justice (DOJ) or the Department of Social Services, between January 1, 2000, and July 1, 2000, from charging a fee for processing fingerprints or for obtaining the California or Federal Bureau of Investigation (FBI) criminal record of any volunteer in a child care facility. Charges for rolling fingerprints, Livescan processing and Child Abuse Central Index (CACI) checks will not change.

After July 1, 2000, the fee waiver for volunteers will be contingent upon the legislature appropriating sufficient funds each year to meet DOJ costs. CCLD field staff, provider organizations, and the Department Livescan contractor will be notified of the fee status each year.

This new law also requires the Department to convene a workgroup, by March 1, 2000, to review current criminal background check and provider screening requirements and to

make recommendations for improving coordination among programs, to reduce costs and to expedite the process.

SB 741 (ALPERT), CHAPTER 747, STATUTES OF 1999

Affects: Child Care Centers and Family Child Care Homes

Subject: Immunizations: Varicella (Chickenpox)

Summary: Amends Section 120325 of the Health and Safety Code to add varicella (chickenpox) to the list of immunizations for children who attend child care facilities (and other specified institutions), effective July 1, 2001. This requirement will only become effective if funds are appropriated for that purpose in the annual Budget Act.